

EXHIBIT C

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONNA CURLING, *et al.*

Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants.

CIVIL ACTION

FILE NO. 1:17-cv-2989-AT

SUPPLEMENTAL DECLARATION OF CHRIS HARVEY

Pursuant to 28 U.S.C. § 1746, I, CHRIS HARVEY, make the following declaration:

1.

My name is Chris Harvey. I am over the age of 21 years, and I am under no legal disability which would prevent me from giving this declaration. If called to testify, I would testify under oath to these facts.

2.

I currently am the Director of Elections for the State of Georgia. I have held that position since July 2015. From August 2007 to July 2015, I was the Chief Investigator and Deputy Inspector General for the Secretary of State's office, investigating, among other things, potential violations of state election

law. For more than a decade, I have acquired firsthand knowledge of Georgia's election processes at both the state and county level.

3.

The Secretary of State's office has provided guidance to county election officials about the setup of precincts so that screens will not be visible to other voters when they are being used by a voter. The communication on this topic and a training document are attached as Ex. 1.

4.

The instructions for absentee ballots instruct voters to fill in the bubble next to the preferred candidate name and instructs voters not to make check marks or X to mark their ballot.

5.

Tabulating absentee ballots where voters do not follow the instructions takes additional time for county election officials. If a ballot is torn, bent, or otherwise defective that it cannot be scanned; if it contains an overvote, or if an ambiguous mark is detected (which is to be set between 10% and 20% fill-in of the target area surrounded by the oval if the proposed SEB rule is adopted), the ballot must be adjudicated by a vote-review panel and then the ballot either duplicated or counted through the adjudication software. See O.C.G.A. § 21-2-483.

6.

Utilizing logic and accuracy testing that requires that each BMD generate test ballots so that “all candidates in all races within the unique ballot style have received a single vote,” as Coalition Plaintiffs urge, is overly burdensome and unnecessary because it would require creating and printing a test deck that is extremely large for each BMD.

7.

The Secretary of State’s office designed the current logic and accuracy testing process in consultation with Dominion and local election officials, and considered best practices in doing so. The proposal for Coalition Plaintiffs would dramatically increase the burden on local election officials and is unnecessary.

8.

The State Election Board heard from members of the Coalition for Good Governance and considered the views of the Coalition, county election officials, and Dominion when drafting the rule on the definition of a vote.

9.

Using a 10% threshold for scanners minimizes the burden on election officials while still ensuring that ambiguous marks are properly evaluated.

10.

Requiring a manual review of every stray mark that happens to be in a target area would require significant time by county officials and would result in delays of finalizing results, certifying results, and conducting audits.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 28th day of August, 2020.



CHRIS HARVEY

EXHIBIT 1

Welcome, Gabrielle Holland

Election Portal Information Center

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Polling Place Privacy for Voters

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Harvey, Chris

I've uploaded three diagrams that illustrate potential problems and solutions to securing voter privacy. This is based on reported concerns and our own observations. Simply said, having the BMD screens facing areas where observers or people waiting to vote decreases the privacy of the voter. Simple solutions involving turning the BMDs so that face *away* from the public are illustrated in the diagrams. See also O.C.G.A. 21-2-267(a)

The diagrams can be found on Firefly under Training>Polling Place Information

Chris Harvey

February 13 Reply

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Secretary of State Elections Division

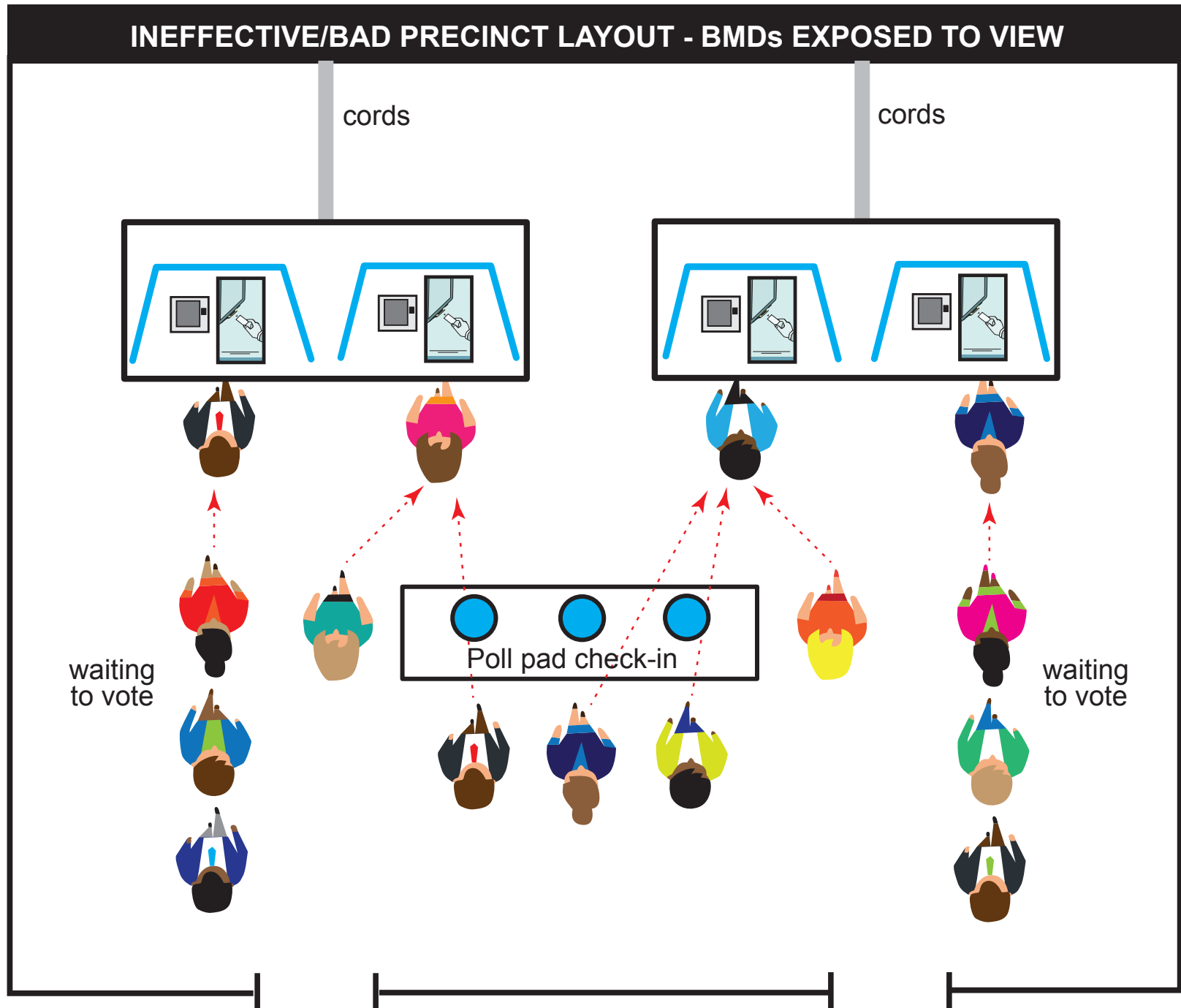
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Dynamo

SECURE THE VOTE

**Precinct Layout
to Aid with Privacy Training**



EFFECTIVE/PREFERRED PRECINCT LAYOUT - BMD SCREENS SHIELDED

